

P.S. 0892/73



Report

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His Honor the Lieutenant Governor of Ontario.

The undersigned appointed by Royal Commission to inquire into and concerning any complaints which were brought before him of ill treatment or extortion practiced upon visitors or others at the Niagara Falls or in the neighborhood thereof, and as to the persons who had been parties or privies thereto, and whether the good government of the neighborhood requires any and what action to be taken for the protection of visitors or persons resident there—having in pursuance of the powers conferred upon him in that behalf, made divers inquiries into the premises, has the honor to report for your Honor's information as follows:—

1. It appears ^{that} in 1852 certain portions of the margin or shore line of the Niagara River of a chain in width embracing those portions thereof in front of the properties of Paul Davis and Thomas Barnett being a crown reserve for ordnance purposes were surrendered to Her Majesty and from thence became ordinary crown lands subject to the management and control of the colonial government till confederation and after that event of the Provincial government of Ontario

2. It appears that prior to 1860 Mr. Thomas Barnett who had erected on his property, lying immediately westerly of the public highway running along the brink of the precipice, a large building in which he had gathered a most extensive and valuable Museum of rare and varied curiosities and had come out of lease or license of occupation from the officers of the ordnance department of the chain reserve at least immediately in front of his property, but whether extending laterally beyond the frontage of his own property, is not conclusively established, and is not of much importance

3. It also appears that Mr. Paul Davis who owns a property situate southward and nearer the

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the sheet of water than the premises of Mr. Barnett also lying on and immediately westerly of the said highway had prior to or shortly after 1860 erected on his lands extensive buildings for a Hotel and a large variety and fancy store

4 It would appear that prior to 1860 both Mr. Barnett and Mr. Davis were in the practice of passing or conducting persons down to the foot of the sheet of the falling water of the Falls - the former by means of steps made in the face of the precipice rock, the latter by means of a spiral winding stair erected from the bottom of the Falls to a level of the surface of Table Rock - fastened to the face of the precipice rock - for which each charged, it is presumed the same fees or tolls, being more or less, depending upon whether or not the persons so descending had a guide, and the use of oil clothing. There is little doubt, during this state of things, rivalries, quarrels, jealousies, and disputes constantly existed between Mr. Barnett's establishment and that of Mr. Davis

5 Except Mr. Barnett and Mr. Davis it does not appear that any one was in the habit of passing persons down to the foot of the falling sheet of water

6 About the year 1860 or shortly thereafter (the time is immaterial) both Mr. Barnett and Mr. Davis obtained leases from the Crown in Canada of the water frontage lying directly opposite or in front of their respective properties with right of passage to Mr. Barnett along the pathway at the water's edge up to and behind the falling sheet of water - with power to each to collect certain fees or tolls - the leases to be revoked or cancelled at the pleasure of the Crown, and to be liable to forfeiture on certain conditions being broken

7. The lease granted to Mr. Davis in 1860 was in or about 1864 on the petition of a large number of the inhabitants of Clifton and its vicinity cancelled for alleged fraudulent practices, extortion and ill-treatment to visitors and others frequenting the Falls; but was re-granted in 1866, and in the same year was seized and sold under execution against Mr. Davis, and conveyed to Rolland Macdonald and by him


transferred to Mr Barnett who then being possessed of the only means of descent to the foot of the sheet of falling water, in June 1867 applied for and obtained the cancellations of the leases both to himself and to Mr Davis, and procured a lease covering the whole right of the whole frontage opposite or in front of both his own premises and those of Mr Davis. Against this lease Mr Davis has ever since been contending and under some authority from the Government of Ontario he has erected a new spiral stairway in front of his premises and has been passing visitors and persons, for fee and reward, down to the foot of the sheet of falling water; and the propriety of granting leases to each of the parties covering the rights connected in the frontage of the property of each under strict limitations, or of continuing the exclusive right of Mr Barnett to the exclusion of Mr Davis, or of the Government withholding all licence or leases from both Mr Barnett and Mr Davis, and from all other persons, and of taking the control and management of the whole matter into their own hands, has been, as the undersigned understands, for some time under the consideration of your Honor in Council.

8. It may be premised as admitting of no dispute that for many years past a series of frauds, extortions and ill-treatment have been practiced on those who have been attracted to that great wonder of nature, the Niagara Falls, unequalled in any other watering or other place of general resort in the world. The impositions have been carried on to such an extent and the difficulty of escape from the organized band of cabmen, fancy and variety store keepers, guides, sight showmen, picture takers, oil clothes furnishers, conductors under what is alleged to be the sheet of water, hotel keepers and runners, all working to plunder, especially every stranger who ventures within their jurisdiction, has been so great as to elicit the comments of travellers and the criticisms of the public press throughout the civilized world, and to deter persons from visiting that great natural phenomenon of our Continent. This is abundantly proved by the testimony taken on oath, the report of the trial of Saul Davis against Stewart alias The Hamilton Times newspaper tried at St Catharines in the autumn of 1868, exhibit A, the official correspondence between the Consul of the United States at the Bridge and his own Government at Washington, exhibit C and other exhibits filed

9 It would appear from the evidence before the undersigned, documentary and otherwise, that Mr Davis through those connected with his establishment has been concerned more or less in many of the outrages complained of. But it is submitted that the granting of the right of passing persons down to the foot of the sheet of falling water, either separately to Mr Davis and to Mr Barnett or exclusively to the one or the other, in view of the situation of their properties and the means they have adopted to make money out of visitors at the Falls, has naturally, if not necessarily, brought about that combination of cabmen, picture men, shopmen, conductors, sight showmen, runners and Hotel keepers, on the side of Mr Barnett on the one hand and the side of Mr Davis on the other, which has produced that organized system of extortion and imposition which is a scandal and a disgrace to Canada. A constant warfare has been kept up between the two establishments; law suit has followed law-suit; crimination has been met with re-crimination; force with force - in one instance resulting in homicide if not murder. Each has his paid runners and retainers. The hackmen and drivers are attached to the one or the other as the one or the other gives them the larger share of the money taken in at his establishment. Under such a state of things, and under such a system what else could be expected than that all should join in what might not rightly be called "robbery" when all participate in the spoils.

10 It is but fair to state that in the evidence laid before the undersigned, no instance of wrong to those visiting the Falls has been brought home to Mr Barnett; and it may be that in forming combinations with persons of the character of those mentioned in the last preceding paragraph he is rather the unwilling instrument in a most vicious system than the abettor or promoter of it.

11 It has been urged that Mr Barnett, having incurred a large outlay in collecting one of the most varied rare and extensive collections of specimens, illustrative of Geology, Natural History and of Antiquity, to be found in Canada, is entitled to peculiar consideration at the hands of the Government in its dealing with the right of passing persons down to the foot of the Falls. No doubt Mr Barnett is deserving of every proper consideration.



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in view of the enterprise he has exhibited and the expense he has incurred in completing his museum. But it is submitted he should be encouraged or rewarded in some ^{other} way than in granting him rights at the Falls which induce a state of things so discreditable to the country, and which, if not corrected will deter persons from visiting that place altogether.

12. The undersigned is not impressed with the argument that either Mr. Barnett or Mr. Davis has any vested or other rights in the shore of the river as riparian proprietors or otherwise.

13. All the evidence goes to prove that to grant separate leases to Mr. Barnett and to Mr. Davis would aggravate and perpetuate the mischiefs complained of.

14. It is therefore respectfully submitted that to correct the abuses and to protect the public, the Government should itself assume the control and management of the chain reserve and of the descent to the foot of the Falls to the exclusion of all other persons, putting its own officers in charge of the same, with whatever is necessary to pass under the sheet of water, charging therefor, ~~say~~, a small sum, say 10¢ for each person without water proof covering, and 20¢ with it, funding the money collected to pay expenses, and also the expenses of a Police Magistrate and three or four constables to be appointed by, and responsible to the Government.

15. All experience goes to show that Mayors of Towns acting as justices of the peace and constables or policemen appointed by an electoral body, and more or less under the influence of those by whose vote they occupy their respective positions, ~~are~~ are inefficient officers in the administration of Justice. This is fully established by the evidence appended to this report. It is suggested that by the appointment of an able and energetic Police Magistrate, and an ~~active~~ Police acting under his orders - all or the greater part of the inducement to cater to the establishment of Mr. Barnett or that of Mr. Davis being removed, the chief misuses with which persons visiting the Falls are afflicted would disappear. It is true the "hack-hire impositions" and "the picture frauds" might to a certain extent remain. But with the assistance of the Corporation of Clifton in making proper regulations and imposing

heavy penalties for their violation, and with the aid of the Police Magistrate and Policemen it is believed an entire revolution would be effected. In no other way does it occur to the undersigned can a full and complete remedy be applied to the existing evils.

16. The evidence taken viva voce and the documentary testimony put in and filed marked exhibits A B C D E F G H are hereto appended.

All of which is respectfully submitted.

Dated at Brantford this 14th day of November A.D. 1842.

E. B. Wood

